

**THE GENEVA TALKS AND THE EUROPEAN UNION: CONDITIONALITY AND SOCIAL LEARNING OR STRATEGIC SOCIALIZATION?<sup>1</sup>**

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The Geneva Talks – a negotiations' framework founded after the EU brokered 'Cease-Fire Agreement' ending the dramatic August 2008 war between Georgia and Russia – has brought only marginal progress. It is thus striking why the European Union could not make the Geneva Talks a successful story. The paper discusses the EU instruments and mediation types to explain the failure. The analysis reveals that the EU mediation styles have been only partially effective. It also demonstrates that EU conditionality and social learning have failed to succeed because of a strong 'patron' state in the region – Russia. The examination further suggests that the separatists merely and strategically socialize themselves to get more benefits rather than to internally change their deep-rooted interests. The paper thus concludes that because of these shortcomings the EU has been incapable of pushing the negotiations to a successful end.

**Key words:** mediation style, European Union, Russia, conditionality, social learning, strategic socialization

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**INTRODUCTION**

The Geneva Talks – a negotiations' framework founded on the bases of the EU brokered 6-point Cease-Fire Agreement ending the dramatic August 2008 war between Georgia and Russia – has been under limited academic and public attention since its launching.

Despite the desperate efforts of the European Union, the United Nations, the Organization of Security and Cooperation in Europe and the United States of America to reconcile Georgia and Russia and to provide 'stability, security and conflict resolution' in the region, the politically significant negotiations have not achieved more than these. Indeed, hard militarization, declarations of independence of the secessionist entities of Abkhazia and South Ossetia by Russia, termination of UN and OSCE missions and other abruptly negative processes have been witnessed in the conflict regions. 'Incident Prevention and Response Mechanism' (IPRM) that was adopted at the 6<sup>th</sup> meeting of the Geneva Talks and still presents the only format for discussing the existing problematic issues on the ground, could not manage to bring any significant progress either.

While not ignoring the roles and influence of other participants, this paper focuses particularly on the European Union and its (in)ability to change the preferences of the separatist Abkhazia and South Ossetia. As a broker and an active participant of the negotiations, it is thus

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striking *why the European Union could not manage to make the Geneva Talks a successful story.*

The paper will investigate the negotiating styles and instruments of the European Union to answer the research question. It particularly discusses the types of mediation developed in the theory of international negotiations and international crises mediation, namely ‘facilitation, formulation and manipulation’, and tries to identify which one of them best suits to the European Union during the Geneva Talks. The analysis also accommodates the exploration of the shortcomings of the EU mediation style that contributes to the failure of the negotiations. In addition, the paper examines the EU instruments (i.e. conditionality and social learning) and investigates whether they are responsible for any kind of progress of the negotiations or other processes (like strategic socialization) better explain the change.

Several indicators of the progress potentially accelerated by the European Union will be introduced and evaluated hereinafter: any change in the behavior of the representatives of secessionist Abkhazia and South Ossetia; any significant agreement adopted on the negotiations in Geneva; and any resulted progress on the ground. Prior analysis suggests several hypotheses: first, taking the adoption of the IPRM on the Geneva Talks into consideration, it could be argued that the EU managed to change behavior of the delegates of separatist Abkhazia and South Ossetia on ‘*Geneva talks*’ level. Second, contrary to the negotiations’ table, the situation in the regions has deteriorated, thus, probably indicating that the EU failed to change deep-rooted preferences of the secessionist entities through its instruments and mediation styles and to obtain progress in conflict resolution *on ground*. And third, because of these processes during the negotiations and in conflict regions, it can be expected that the EU mediation style is partially effective, but not decisive enough to push the disputants to the final agreement.

Scholarly articles, official documents of the Ministry of Foreign Affairs (MFA) of Georgia and of EU institutions, agreements signed between the European Union and Georgia, online media articles and interviews with Georgian officials will be used as an empirical and theoretical evidence to analyze the topic, to answer the research question and to test the hypotheses.

## **1 Mediation style and the European Union**

Mediation is a third-party intervention with the main goal of a mediator ‘to enhance the incentives for an agreement by altering the payoff structure of the bargain [...] by adding, denying, promising or threatening side payments to negotiations thereby increasing the prospects for a win-win agreement’<sup>2</sup>. Scholars come to an agreement that mediators differ from each other on the basis of several circumstances, including intensity of their activities during the negotiations, their bargaining strategies, degree of involvement, degree of creativity and proactivity, level of utilization of their leverages and other manipulative instruments, etc. There is no doubt that each style of mediation has its own distinguished and peculiar influence on the process and ultimate results of the negotiations.

### **1.1 Mediation styles**

Following other scholar’s classifications, Wilkenfeld et al.<sup>3</sup> identify three types of mediation: facilitation, formulation and manipulation.

Mediator as a *facilitator* (or as others also call it a *communicator*) serves a role of antennae transmitting information and other communicative messages from one party to

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<sup>2</sup> Tocci, N. (2004): Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor, p. 3.

<sup>3</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*.

another<sup>4</sup>. Facilitative mediation includes but is not limited to ‘[providing] the physical space for negotiations, [...] [organizing] logistics of the negotiation process, [collecting] information, [setting] agenda regarding which issues will be discussed and in what order, and/or [assisting] conflicting parties in understanding the messages being conveyed among parties [...] [and channeling] messages between disputants, especially when face-to-face communication isn’t possible or desired’<sup>5</sup>.

In other words, facilitation accommodates several roles: ‘the process facilitator; the facilitator of communication, compromise, and convergence; and the facilitator of cognitive change, attempting to induce the parties to see the problem in a new light and view each other empathetically, without making specific suggestions regarding potential solutions’<sup>6</sup>. A very important point worth mentioning is that a degree of involvement of a facilitative mediator in the substance of the negotiations is minimal. This kind of mediator is actually limited to ‘ensuring continued, and [...] constructive, discussion and dialogue among disputants’<sup>7</sup> and is ‘non-evaluative, non-coercive, and non-directive over outcomes’<sup>8</sup>. That’s why, many researchers criticize this kind of ‘restrained intervention’ as being not a ‘true mediation’<sup>9</sup>.

Mediator as *formulator* goes further by increasing degree of its involvement and actually contributing to the negotiating process. Contrary to the facilitation, formulative mediation includes ‘conceiving and proposing new solutions to the disputants [...] by [redefining] the issues at hand in a conflict and [...] [attempting] to employ innovative strategies aimed at ‘unblock(ing) the thinking of the conflicting parties’<sup>10</sup>. Hence, the mediator’s proactive creativity is recognized and highly valued as it can push the mediation process to a successful end by suggesting fresh ideas and proposals. However, whatever idea, proposal, strategy or outcome there is on the negotiation table, formulative mediation does not combine any type of coercion, i.e. disputants are free to choose the options and to abide the voluntarily accepted rules.

Comparing to facilitator and formulator, mediator as *manipulator* is most intensively and actively involved in the negotiations. Its proactivity is expressed not only in its strategy to use *facilitator’s* roles but also in its attempt to ‘manipulate the parties into agreement’<sup>11</sup> by using its own beneficial position and manipulative instruments. A classical method of manipulation by utilizing leverages is reckoned to be a situation when compliance to the agreement or cooperative spirit during the negotiations is praised by incentives (or ‘carrots’) while non-compliance or non-cooperation is punished by costly sanctions (or ‘sticks’). In most cases, only powerful third parties can pursue manipulative mediation. Indeed, there will be little chance for progress if mediator’s reputation is severely undermined or if there are doubts about the perceived power and credibility of its ‘sticks and carrots’.

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<sup>4</sup> Keashly, L. - Fisher, R. J. (1996): A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations.

<sup>5</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 70.

<sup>6</sup> Hoppman, P.T. (1996): *The Negotiation Process and the Resolution of International Conflicts*. Columbia: University of South Carolina Press. In Wilkenfeld, J. et al. (2005): *Mediating International Crises*. London: Routledge, p. 70.

<sup>7</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 71.

<sup>8</sup> Keashly, L. - Fisher, R. J. (1996): A Contingency Perspective on Conflict Interventions: Theoretical and Practical Considerations, p. 238.

<sup>9</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 71. Dixon, W. J. (1996): Third-party Techniques for Preventing Conflict Escalation and Promoting Peaceful Settlement, p. 655.

<sup>10</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 72. Zartman, I.W. - Touval, S. (1996): International Mediation in the post-Cold War Era, p. 454.

<sup>11</sup> Touval, S. - Zartman, I.W. (1985): Introduction: Mediation in Theory, p. 12.

Scholars legitimately argue that mediation is not a fixed process. It indeed ‘changes as the dispute changes and as the intermediary and the disputants gain information and skill’<sup>12</sup>. It is therefore expected that mediators adapt to the process changes by evaluating, revising and altering their mediation styles in order to adjust to a given situation and to more efficiently mediate the dispute<sup>13</sup>. So, certain type of mediation could be best suited to and most beneficial in certain kind of crises. For example, one school of researchers believes that facilitative mediation is the most effective strategy ‘for securing long-lasting, mutually beneficial outcomes and resolving the fundamental causes of conflicts’<sup>14</sup>. They argue that ‘disputing parties should arrive at their own solutions rather than having outcomes developed and/or imposed by a third party’. They also criticize the manipulative strategies for damaging the ‘atmosphere of good will, trust, and joint problem solving’ between the parties’<sup>15</sup>. However, other scholars don’t see high-level efficiency of facilitative mediation in disputes other than ‘low-intensity conflicts’<sup>16</sup>.

Contrary to Jabri, Kelman and their ideological colleagues, Schelling<sup>17</sup> advocates a formulative mediation with the reason that it utilizes more effective instruments for successful negotiations. By initiating and suggesting fresh proposals (that are out of vested interests, subjective perceptions, political pressure and short-termism) to the disputants, the formulator takes the responsibility of perceived ‘capitulations or concessions’ from the stalemates and in turn gives them opportunity to reassess the cost-benefit calculations, redefine their cognitive structures and possibly accept the proposals paving the way to the conflict resolution.

Bercovitch<sup>18</sup> and Bercovitch & Houston<sup>19</sup> take a different stance by presenting empirical data indicating the effectiveness of manipulative mediation (52% success rate in international conflicts with only 32% for facilitation). Berridge<sup>20</sup> supports the argument as well noting that ‘the mediator needs to employ a judicious combination of carrots and sticks, together with deadlines and [to] press manipulation in order to sustain diplomatic momentum’. Wilkenfeld et al. affirm that ‘manipulative mediators’ ability to provide side payments to crisis actors makes them especially effective in helping to manage crises’, as they ‘can change the overall stakes of a situation in order to encourage agreements even in the most dangerous and hostile environments’<sup>21</sup>. However, manipulator must be careful in strictly and coercively pushing to an agreement in order to avoid unexpected negative consequences. It is also argued that ‘since manipulation ‘only alters the relative costs of conflict and deflates each party’s reservation point,’ it ‘is likely to have a lesser effect on tension reduction’ because it does not necessarily lead to the outcome that is ‘in line with the true distribution of capabilities’<sup>22</sup>.

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<sup>12</sup> Princen, T. (1992): *Intermediaries in International Conflict*, p. 65.

<sup>13</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 75.

<sup>14</sup> Jabri, V. (1996): *Discourse on Violence: Conflict Analysis Reconsidered*. Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 75.

<sup>15</sup> Kelman, H. C. (1992): *Informal Mediation by the Scholar/Practitioner*. Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 75.

<sup>16</sup> Hiltrop, J. M. (1989): *Factors Associated with successful mediation*. Donohue, W. A. (1989): *Communicative Competence in Mediators*.

<sup>17</sup> Schelling, T. C. (1960): *The Strategy of Conflict*.

<sup>18</sup> Bercovitch, J. (1986). *International Mediation: A Study of the Incidence, Strategies and Conditions of Successful Outcomes*.

<sup>19</sup> Bercovitch, J. - Houston, A. (1996). *The Study of International Mediation: Theoretical Issues and Empirical Evidence*.

<sup>20</sup> Berridge, G. R. (2002): *Diplomacy: Theory and Practice*, p. 201.

<sup>21</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 76.

<sup>22</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 80. Beardsley, K. et al. (2004): *Mediation Style and Crisis Outcomes in the Twentieth Century*, p. 12.

Proponents of facilitative, formulative and manipulative mediation seem to suggest extremes of their positions by exaggerating particular type of mediation while undermining the others. The best type of mediation is more likely to be a mixture of all three. As Wilkenfeld *et al.* more precisely and clearly express this point, ‘reformulations and suggestions offered by [formulator], and the sanctions and rewards offered by [manipulator] create new options for parties, and ‘a way out’ that were not there without the mediator’<sup>23</sup>.

## 1.2 European Union mediation style

The European Union (together with other co-chairs of the Geneva Talks) provides a physical space (i.e. ‘good offices’) to the disputants in the Palais Des Nations building in Geneva, Switzerland. In order to continue negotiations deadlocked by legitimacy problems of the secessionist participants, the disputants agreed to meet in one official and two unofficial formations. Official plenary sessions accommodate the US, Georgian and Russian officials while other two informal working groups let separatists as well as representatives of legitimate governments of Abkhazia and South Ossetia (under Georgian delegation) to attend the negotiations. The latter is the format where disputants sit face-to-face discussing security issues and questions concerning the Internally Displaced Persons<sup>24</sup>. It is also a forum where the European Union could have the most frequent contacts with and thus possibility to influence the representatives of the breakaway regions. The divided structure and a tense nature of the negotiations push the EU to play the roles of facilitative mediator transmitting messages among the disputants and formal and informal working groups. Moreover, the EU actively accommodates the functions of a formulative mediator by providing with various proposals to the stalemates with the aim to de-escalate the situation on the ground, to obtain and maintain stability there and to remedy the most acute demands of the counterparts.

However, it is also apparent that this is not enough for decisive progress. The situation on ground remains extremely tense. It seems as if the EU’s less substantial involvement (i.e. less ‘aggressive’ mediation style) traps the negotiations into a deadlock. It would be wise for the European Union to use manipulation to push the disputants to the agreement, i.e. to “deliberately alter the relative bargaining strength” by offering ‘threats and promises’<sup>25</sup>. But this is where the most striking limitations to the EU mediation style come into play. As scholars emphasize, mediators cannot exclusively and independently select mediating style relevant to the negotiations. Its participants usually limit the maneuverability of a mediator. In other words, disputants’ preferences, power and effectiveness often influence and mirror the mediation styles employed by a mediator. This is true to the Geneva Talks - the EU is not in a position to effectively use its mediating power and leverages in order to successfully conciliate the counterparts. Russia as one of the Geneva Talks participants, is strongly believed to be an enduring counterweight vis-à-vis the European Union. Russia can (and actually does) severely restrict the EU’s ability to manipulate the disputants to the agreement.

In spite of the limitations to the EU mediation style, there is still some opportunity of success. Although privacy and lack of transparency of the negotiations make it difficult to thoroughly observe the patterns of and instruments utilized by the EU, next chapter hereinafter will nevertheless examine how the EU applies its two most important instruments of Europeanization – conditionality and social learning – to influence the Geneva Talks participants, and whether they are effective or not.

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<sup>23</sup> Wilkenfeld, J. et al. (2005): *Mediating International Crises*, p. 79.

<sup>24</sup> Mikelidze, N. (2010): *The Geneva Talks over Georgia’s Territorial Conflicts: Achievements and Challenges*.

<sup>25</sup> Tocci, N. (2004): *Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor*, p. 2.

## 2 EU conditionality and social learning

The idea of the EU conditionality or the policy of so called ‘sticks and carrots’ ‘is based on cost-benefit calculations in which domestic change is a response by the applicants to the material and social benefits offered by the [EU]’<sup>26</sup>. In other words, as believed by some scholars, the EU is capable of changing ‘the strategic calculations of the players in the conflict’ through conditionality by granting or removing ‘aid, trade, investment, security guarantees, membership of an international organizations’ etc., that can, in turn, speed up a conflict resolution<sup>27</sup>. However, conditionality does not have decisive impact on vested interests and deep-rooted changes of the actors. Conditionality may only influence the disputants’ short-to-medium term interests. That is, the actors ‘simply alter their actions to account for a change in context’<sup>28</sup>. As Tocci further explains, ‘the more deep-rooted change that occurs through the transformation of identity and interests can only occur over the longer term’ without ‘coercion and incentives, but through an endogenous processes of social change. Over time and through institutional contact actors may alter their perceived identity and interests’<sup>29</sup>. This process is known as social learning. It involves the actors into persuasion, argumentation, socialization, etc. that leads to the changes of identity, “perceived interests and ensuing action”. In this sense, participation of the secessionists in the negotiations is believed to be an important step towards the resolution<sup>30</sup>.

Being usually in a superior position, the Union can ‘either directly [...] coerce [the conflict parties] into agreeing on an acceptable solution or indirectly [...] shift the domestic balance of power by encouraging moderate groups and discouraging hard-liners’<sup>31</sup>. Although this is true for the countries striving for the immediate EU membership, it fails when it comes to the Eastern Neighborhood. Not surprisingly one of the main reasons of the failure is another strong player in the region – Russia which successfully competes with the Union and makes the conditionality and social learning less effective, if not marginal.

It is however important to mention that conditionality and social learning don’t inevitably cause conflict resolution. In other words, ‘[if] policies of conditionality are viewed as insufficiently legitimate, if existing domestic practice is uncontested, if EU norms are insufficiently related to domestic norms or if institutional ties are too weak’, efficiency of these

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<sup>26</sup> Schimmelfennig, F. – Engert, S. - Knobel, H. (2003). Costs, Commitment, and Compliance. The Impact of EU Democratic Conditionality on Latvia, Slovakia, and Turkey, p. 11. Schimmelfennig, F. - Sedelmeier, U. (2004): Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, p. 662. Hill, C. (2001): The EU’s Capacity for Conflict Prevention. Smith, K. E. (1998a): Conflict Prevention; In *The making of European Union Foreign Policy: the Case of Eastern Europe*, p. 139. See also Smith, K. E. (1998b): The Use of Political Conditionality in the EU’s Relations with Third Countries: How Effective?

<sup>27</sup> Tocci, N. (2004): Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor, p. 3.

<sup>28</sup> Tocci, N. (2004): Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor, p. 14.

<sup>29</sup> Tocci, N. (2004): Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor, p. 14-15.

<sup>30</sup> Checkel, J. (2003): *International Institutions and Socialization in Europe: Introduction and Framework*.

<sup>31</sup> Emerson, M. et al. (2004): Europeanization and conflict resolution: case studies from the European periphery, p. 12.

instruments will more likely be severely reduced<sup>32</sup>. In this case, disputants will use other strategies to temporarily adjust to the situation without having changed deep-rooted interests and identity. Or as several scholars highlight<sup>33</sup> and Emerson and his colleagues put it effectively, the ‘EU conditionality generates ‘simple learning’. This means that rationally calculating players, confronted by institutional constraints, may easily alter their strategies and tactics in order to achieve their objectives. But this does not mean that they will therefore change their underlying identities’<sup>34</sup>.

During the Geneva talks, the EU instruments have not been effective enough due to their serious limitations.

## 2.1 Geneva Talks and EU social learning

In an e-mail interview with the official of the MFA of Georgia, the interviewee talked about blatant changes in the behavior of the representatives of Abkhazia and South Ossetia between the first and last meetings of the Geneva talks. The interviewee highlighted that during the first meeting these delegates behaved in a very uncivilized manner and used a lot of words which are out of norms and ethics of diplomatic relations. They stood on harsh positions, only demanding certain actions and not expressing readiness or willingness for any compromise. Daniel Fried, Assistant Secretary of State of the USA at the time, also proves this information: ‘authorities from South Ossetia and Abkhazia did not exhibit [...] cooperative spirit [...] and attempted to force a number of demands’<sup>35</sup>. As the Georgian official continued in the interview, last meeting proved their behavioral progress – these delegates behaved in a much more civilized way. The interviewee further remarked that it was apparent how the separatist delegates progressed from meeting to meeting. After six such meetings in Geneva, the IPRM was established. That’s why, it is tempting to conclude that social learning played its role in socializing these people into international environment and making them relatively more compromise-builders.

The newly adopted mechanism of the IPRM might be reckoned as a success of the Geneva talks, as its task is ‘to reach and maintain security and stability in the occupied regions’<sup>36</sup>. Nevertheless, the situation was not improved on the ground. Apart from purely technical issues, the participatory sides failed to achieve any relatively valuable decision that can *actually* provide and sustain ‘security and stability’ in the conflict regions<sup>37</sup>. It is thus essential to search for another explanation that clarifies the deterioration of the situation. I point at the role and interests of Russia as a stronger power in the region and a supporter of the secessionist entities (it will be discussed later in the paper).

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<sup>32</sup> Tocci, N. (2004): Conflict Resolution in the European Neighbourhood: The Role of the EU as a Framework and as an Actor, p. 15.

<sup>33</sup> Checkel, J. (1999a): Norms, Institutions and National Identity in Contemporary Europe. Checkel, J. (1999b): Social Construction and Integration.

<sup>34</sup> Emerson, M. et al. (2004): Europeanization and conflict resolution: case studies from the European periphery, p. 12.

<sup>35</sup> Kellerhals, M. (2008): Geneva Talks Seek Stability, Security in Georgia, U.S. Says.

<sup>36</sup> Ministry of Foreign Affairs of Georgia (2009): *Statement of the Ministry of Foreign Affairs of Georgia on the seventh round of the Geneva Talks held on September 17*. EU Council (2009): *Proposals for joint incident prevention and response mechanisms*.

<sup>37</sup> Recent events in the region prove this statement (Please, see Ministry of Foreign Affairs of Georgia, 2011).

## 2.2 Geneva Talks and EU conditionality

The EU conditionality is vague and weak because the most important incentive – full membership<sup>38</sup> – is missing from all documents<sup>39</sup>. Even if we assumed that the full membership or any other strong incentive had been offered before, it would less likely have worked effectively because of several reasons. These reasons also explain why it has been impossible so far to settle the conflict. They are formulated by various scholars and will be examined hereinafter.

For these reasons, former State Ministers of Georgia for Reintegration is skeptical about the current EU foreign policy modes. In an interview in Brussels the minister was clear that whatever the EU had been doing in Geneva, it couldn't have brought tangible results in the conflict resolution. He believed that with the Lisbon Treaty the EU would be more influential and effective in the field within the nearest future (Interview with State Minister of Georgia for Reintegration, 2010). However, there has been no significant improvement of the EU's position since the signing of the Lisbon Treaty. And there is no remarkable institutional activity at the moment to expect otherwise.

The only possible scenario changing the attractiveness of Georgia for the secessionists seems to be the readiness of the EU to grant the Deep and Comprehensive Free Trade Agreement and Visa-free regimes to Georgia in response of the free and democratic parliamentary elections in the country in October, 2012. If these EU incentives are realized by Georgia, it will certainly have some influence over the preferences of the separatists.

## 2.3 Role and Interests of Russia

It is clear that the behavior of the separatists has changed. But it has not been reflected into conflict resolution. Indeed, the situation in the conflict regions is tenser. I believe it is Russia that seriously limits the EU's effectiveness and that pushes the conflict resolution towards a deadlock.

The starting point is a set of assumptions swarmed in single article by Nicu Popescu in one of his works<sup>40</sup> but originally developed by other scholars. Popescu discussed the conditions in which a process of Europeanization might be successful. These conditions include the variations in potential costs and benefits of Europeanization for the conflict sides, attractiveness of Europeanization 'for the protector state of the secessionist entity' (Russia in this case), possible alternatives to the process, etc.

Russia obviously is another power in the South Caucasus with its own interests<sup>41</sup>, and has much stronger influence on the region than the EU. It supported Abkhazia and South Ossetia militarily before and during the august war in 2008, followed by their recognition as independent states by Russia. The regions are extremely depended on Russia in all aspects, including, especially, militarily and economically. Clearly, Russia has played the role of their "patron". Thus, it would have been a smart decision from the EU to put a pressure on the secessionist regions through influencing Russia. However, the EU has a little or no leverage on

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<sup>38</sup> Schimmelfenig, F. - Sedelmeier, U. (2004): Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe, p. 662.

<sup>39</sup> Partnership and Cooperation Agreement, ENP Action Plan, Eastern Partnership, planned Association Agreement.

<sup>40</sup> Popescu, N. (2004): Europeanization and conflict resolution: a view from Moldova.

<sup>41</sup> See Legvold, R. (2007, ed.): *Russian Foreign Policy In The Twenty-First Century And The Shadow Of The Past*. Çelikkpala, M. (2010): Security in the Black Sea Region. Adomeit, H. - Åslund, A. (2005): Russia versus the United States and Europe – or "Strategic Triangle"? Developments in Russian Domestic and Foreign Policy, Western Responses, and Prospects for Policy Coordination. Götzt, R. (2007): Russian Gas and European Energy Security. Halbach, U. (2010): Ungeöste Regionalkonflikte im Südkaukasus.



the country (unlike Turkey<sup>42</sup>). The reason of this is at least two-fold. First, Russia is not keen on Europeanization that would stand the EU in a relatively preferential, superior position. And second, Russia is militarily, economically and strategically strong enough to negotiate with the EU from an equal position.

Abkhazia and South Ossetia, due to 'cross conditionality' (offers from the EU and Russia at the same time), are also reluctant to Europeanization. Russia offers them 'independence' and military/political/economic assistance without much concern about democratization. In turn, the EU recognizes Georgia's territorial integrity and leaves those entities unrecognized. Most importantly, EU's perspective on the conflict resolution automatically means the loss of their *de-facto* sovereignty. Hence, the solution through Europeanization is much more costly than beneficial for these entities. As a result, they prefer being under Russian (rather than the EU) umbrella. These three conditions – unattractiveness of Europeanization for Abkhazia and South Ossetia, and for their 'protector state',<sup>43</sup> and more costs for Europeanization than benefits<sup>44</sup> – significantly decrease the chances for the conflict resolution at the Geneva Talks.

### 3 Conditionality and social learning vs. strategic socialization

Despite some potential success during the Geneva talks, the situation on ground remains deteriorated. It clearly indicates that the Geneva Talks format is not successful. Here is a question: then why did the secessionist delegates change their behavior? This drives the analysis to the supposition that the separatists changed their behavior during the negotiations as part of their strategic calculations rather than because of social learning or conditionality. In other words, the separatists, 'confronted by institutional constraints' (i.e. the Geneva talks framework), changed their behavior as a part of their tactical/strategic maneuver, however, this doesn't actually change their rooted identities, vested interests and ultimate preferences. Again, the latter argument can be strongly backed up by the situation on ground, where neither IPRM nor any other instrument has been working successfully enough. This occurrence is conceptualized in this paper as *strategic socialization*. While considering the socialization process in the CFSP<sup>45</sup> Council Working Groups, Juncos and Pomorska explain that 'where [...] evidence of internationalization of norms is still lacking, compliance with [cognitive scripts] can be better explained by strategic factors: long-term perspective of the negotiations and reputation'<sup>46</sup>. In other words, 'socialization may be better perceived as a strategic action undertaken by actors, pursuing their interests and resulting from [...] rational cost-benefit calculations [...] The actors' motivation to follow social pressures stems from the desire to maintain or improve their position within the group, as part of their long-term interest calculation. Legitimacy and reputation, factors contributing to one actor's status in a group, become highly appreciated as they improve the chances of getting the national interest reflected

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<sup>42</sup> See Tocci, N. (2008): The EU and Conflict Resolution in Turkey and Georgia: Hindering EU potential Through the Political Management of Contractual Relations.

<sup>43</sup> Popescu, N. (2004): Europeanization and conflict resolution: a view from Moldova.

<sup>44</sup> Schimmelfennig, F. et al. (2003): Costs, Commitment, and Compliance. The Impact of EU Democratic Conditionality on Latvia, Slovakia, and Turkey. Popescu, N. (2004): Europeanization and conflict resolution: a view from Moldova.

<sup>45</sup> Common Foreign and Security Policy of the European Union.

<sup>46</sup> Juncos, A. E. - Pomorska, K. (2006): Playing the Brussels game: Strategic socialisation in the CFSP Council Working Groups, p. 4.

in the policy outcome. Credibility is particularly important in the case of iterated negotiations [...] where frequent and repetitive contacts with the same group of officials occur<sup>47</sup>.

This argument is true to the Geneva Talks too. Indeed, intensive and imaginative socialization is in interest of and beneficial for the secessionists for several reasons. First, there is an illusion as if the disputants are under control of and loyal to the mediators, including the European Union. Second, reputation of a harsh actor is capitulated from the negotiations table while reputation of a compromise-builder is introduced. And third, in the long term the loyalty and positive reputation improves levels of 'legitimacy' and credibility of the disputant in the negotiations. Hence, having control over the processes in the conflict regions, it was more beneficial for the secessionists to socialize themselves strategically and to express imaginative readiness for and openness to a compromise and the mediator's activities. In other words, strategic socialization enabled the separatists both to recover their reputation, 'legitimacy' and credibility, and to remain loyal to their deep-rooted and vested ('national') interests at the same time.

The relative success of the EU mediation styles needs to be evaluated in this context as well. The EU mediation was as effective as the disputants let it to be. The most valuable outcome of the Geneva Talks – the IPRM – was a result and example of strategic socialization: separatists expressed their fake negotiative spirit with this decision while obstructing its day-to-day working process in the conflict regions.

#### **4 Results**

It was expected that the EU was relatively effective during the negotiations by using different mediation styles. Indeed, the pressure and institutional constraints created by the EU as a mediator was successfully reflected in behavioral change of the representatives of Abkhazia and South Ossetia. Nevertheless, this was not decisive enough for ultimate conflict resolution. This is to say that the third hypothesis of the paper proves to be correct.

'Confronted by institutional constraints' and mediation pressure, the separatists changed their behavior but they socialized themselves strategically rather than internally. In other words, their behavior was based on costs and benefits calculation expressing a facade negotiative spirit but actually maintaining the status quo. This has stronger explanatory power after examination of the deteriorated situation in the conflict regions. Thus it can be argued that the first hypothesis is false because the European Union actually failed to effectively influence the secessionists through social learning. It also indicates that the second hypothesis of the paper is correct stating that the EU was not successful in changing the deep-rooted preferences of the separatist entities through its instruments and mediation styles and to obtain a decisive progress in conflict resolution on the ground.

In sum, the EU was unable to make the Geneva Talks a successful story because of Russia and strategic socialization of the separatists that decisively undermined the power of the EU instruments and mediation.

#### **5 Theoretical understanding**

This paper mainly focuses on sociological institutionalism and rationalist/power-based models and tries to identify the thought of school that best explains the processes of the Geneva Talks.

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<sup>47</sup> Juncos, A. E. - Pomorska, K. (2006): Playing the Brussels game: Strategic socialisation in the CFSP Council Working Groups, p. 4.

## 5.1 Sociological institutionalism

Lewis argues that '[basic] actor properties are treated as endogenous to institutional environments, where interaction and the exchange of views can lead to the creation of new identities, attitudes, or roles – or the multiplication and nesting of existing identity configurations'<sup>48</sup>.

Other researchers share the same argument and believe that 'persuasion and argumentation' (i.e. social learning) are the drivers of the 'socialized negotiation in a 'thick' institutional environment'<sup>49</sup>. Looking at the case of this paper, the Geneva talks might be reckoned as a 'socialized negotiation', the highest platform, the strongest source of socialization and relatively permanent negotiation framework in which the representatives of South Ossetia and Abkhazia have ever participated. That's why, one may argue that the meetings with the disputants and the EU's desperate efforts to socialize separatists and to make them more compromise-builders *through social learning* achieved its goals (e.g. the IPRM was established after six such meetings).

However, as it was clarified, it was a strategic move to agree with the IPRM showing the rest of the community an imaginative negotiative and peace-and-stability-seeking spirit. Their behavioral change was a result of pressure from mediation and institutional constraints, leaving their identities and interests unchanged. This argument is strengthened by the actual deteriorated situation in the conflict regions, meaning that '[sociological] accounts of socialization have underestimated the strategic use of norms and practices'<sup>50</sup>, and that power-based models seem to have much more explanatory power.

## 5.2 Power-based models

Rationalist, power-based theories claim that actors are rational in the sense that their behavior is strongly based on 'cost and benefit calculations' and they always maximize their interests<sup>51</sup>. Most importantly, unlike constructivists, Jupille, J. et al. suggest that participatory sides have 'fixed and given (exogenous) preferences' and that 'actors undertake means-ends calculations in choosing their best course of action. Whatever actors want (and this is canonically to maximize utility), they choose what they believe to be the best means available to attain it'<sup>52</sup>.

It can be concluded that those actors tend to bargain rather than negotiate. In fact, this is what is happening in the conflict regions. Russia has its own interests in Abkhazia and South Ossetia, and its own military presence there is vitally important for the country. Recognition of the independence of the secessionist regions and opening military bases there could be considered as protection and maximization of those interests by all means. The only commitment of Abkhazia and South Ossetia is to stay loyal towards Russia which is less costly

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<sup>48</sup> Lewis, J. (2003): Institutional Environments And Everyday EU Decision Making: Rationalist or Constructivist?, p. 107-108.

<sup>49</sup> Jupille, J. et al. (2003): Integrating Institutions: Rationalism, Constructivism, and the Study of the European Union. Schimmelfenig, F. - Sedelmeier, U. (2004): Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. Checkel, J. (2001): Why Comply? Social Learning and European Identity Change.

<sup>50</sup> Juncos, A. E. - Pomorska, K. (2006): Playing the Brussels game: Strategic socialisation in the CFSP Council Working Groups, p. 4.

<sup>51</sup> Lewis, J. (2003): Institutional Environments And Everyday EU Decision Making: Rationalist or Constructivist?, p. 102-106.

<sup>52</sup> Jupille, J. et al. (2003): Integrating Institutions: Rationalism, Constructivism, and the Study of the European Union. Schimmelfenig, F. - Sedelmeier, U. (2004): Governance by conditionality: EU rule transfer to the candidate countries of Central and Eastern Europe. Checkel, J. (2001): Why Comply? Social Learning and European Identity Change, p. 12.

than possible loss of *de-facto* independence in the case of conflict resolution through EU scenario. That is why, the EU conditionality fails to function efficiently.

It is true to the Geneva negotiations as well. Strategic socialization utilized by the separatists during the negotiations is a clear example and result of costs and benefits calculation, and can be better explained by the power-based models than sociological institutionalism.

## CONCLUSION

The paper discussed the (in)abilities of the European Union to solve the conflicts in Georgia after 2008 Georgian-Russian war through the Geneva Talks. It examined the functioning of EU's existing instruments (i.e. social leaning and conditionality) and the EU mediation styles in pushing the negotiations to the resolution. The analysis indicated that the Union failed to produce effective framework or mechanism for conflict resolution because of another, more powerful player, Russia, over which the EU has no effective leverage. It was also apparent that the EU mediation caused certain behavioral change of the separatists, but there was an explicit disappointment of the efficiency and successfulness of the EU conditionality and social learning because the reason for the relative change was strategic socialization utilized by the separatists rather than the EU instruments.

The research question has thus been answered, i.e. the European Union's instruments and mediation styles were incapable of changing the deep-rooted preferences of the representatives of South Ossetia and Abkhazia and pushing the negotiations to an ultimate favorable resolution. The EU couldn't make the Geneva Talks a successful story because of strategic socialization of the secessionists based on the costs and benefits calculation, and because of a strong player – Russia.

The paper does not intend to ignore the roles and influence of other mediators of the Geneva Talks, particularly, the United Nations, the United States of America and the Organization of Security and Cooperation in Europe. They surely have their impact on the negotiations process, sometimes maybe even more than the European Union. However, this could be a topic for further analysis.

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